REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 22-27 are pending in the present application. Support for new claims 22-27 may be found in the original claims and generally throughout the specification. Claims 1-21 have been cancelled.

In the outstanding Official Action, claims 13-15 and 17-21 were rejected under 35 USC §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants believe the present amendment obviates this rejection.

As noted above, claims 1-21 have been cancelled. As a result, applicants believe that the rejection of these claims as allegedly being indefinite has been obviated. Applicants believe that new claims 22-27 have been drafted in a manner so that they are definite to one skilled in the art.

Claims 13-15, 17 and 210-21 were rejected under 35 USC §112, first paragraph, for allegedly not complying with the written description requirement. Applicants believe the present amendment obviates this rejection.

Claim 22 is directed to a method for treating a patient with a pathology selected from the group consisting of malignant hemopathies and solid tumors, wherein the patient is resistant to, or at risk of developing a resistance to a NF-κB-activating cytotoxic molecule which is administered to the patient in the scope of the treatment of the pathology, comprising administering to the patient an effective amount of human growth hormone comprising SEQ ID NO: 2. The Examiner's attention is also directed to claim 23, which recites that the human growth hormone is encoded by SEQ ID NO: 1.

Applicants believe that the claimed invention is clearly supported by the present disclosure. As to the cytotoxic molecules, applicants note that the specification plainly teaches that the present invention relates to cytotoxic molecules that activate NF-κB (see present specification, page 11, line 13 to page 12, line 22). In particular, the present specification cites to cytokines, anthracyclines, vinca-alkaloids, and paclitaxel.

Indeed, the claimed invention is not directed to any and all compounds or nucleotide sequences derived from the degeneracy of the genetic code of SEQ ID NO: 1, or any and all peptide sequences derived by addition, deletion and/or substitution of one or several amino acids of SEQ ID NO: 2. In

view of the above, applicants believe the present amendment obviates the rejection.

In the outstanding Official Action, claims 13, 15, 17 and 20 were rejected under 35 USC §102(e) as allegedly being anticipated by WONG et al. Applicants believe the present amendment obviates this rejection.

WONG et al. relate to the use of D-factor, growth hormone, tumor necrosis factors, and/or IL-1, alone or in combination, for the prevention and treatment of alopecia (i.e., hair loss) resulting from chemotherapeautic and therapeutic treatments. In particular, WONG et al. disclose the use of human growth hormone in rats treated by cytosine arabinoside to prevent hair loss, induced by the administration of cytosine arabinoside.

WONG et al. do not teach that human growth hormone can be used to treat patients suffering from malignant hemopathies and/or solid tumors who develop or are at risk of developing a resistance to cytotoxic molecules.

Moreover, WONG et al. fail to disclose or suggest a human growth hormone represented by SEQ ID NO: 2, nor do WONG et al. teach the specific association with a cytotoxic molecule such as anthracyclines or paclitaxel.

As a result, applicants believe that WONG et al. fail to anticipate or render obvious the claimed invention.

Claims 13-15, 17 and 20-21 were rejected under 35 USC §102(e) as allegedly being anticipated by BALDWIN et al. Applicants believe the present amendment obviates this rejection.

BALDWIN et al. disclose the use of NF-κB inhibitors to enhance the cytotoxic effects of chemotherapy or radiation therapy in the treatment of neoplastic conditions. The teachings of BALDWIN et al. are limited to a particular NF-κB inhibitor. The inhibitor is a genetically engineered super-repressor form of the natural IκB intracellular repressor, which forms a complex with NF-κB.

As a result, given the strong differences in the mechanism of actions of the super-repressor form of IκB and the human growth hormone, applicants believe that one of ordinary skill in the art would not consider that BALDWIN et al. disclose or suggest the claimed method.

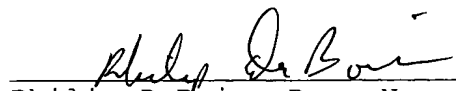
As a result, applicants believe that BALDWIN et al. fail to anticipate or render obvious the claimed invention.

In view of the present amendment and the foregoing remarks, therefore, applicants believe that the present application is in condition for allowance at the time of the next

Official Action. Allowance and passage to issue on that basis is respectfully requested.

Respectfully submitted,

YOUNG & THOMPSON



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